

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF :
AMERICA, :
Plaintiff, Case No. 3:18-cr-53
v. :
Judge Walter H. Rice
THURSTON LEWIS :
GOODJOHN, : Magistrate Judge Michael R. Merz
Defendant.

ORDER OVERRULING MOTION FOR COMPASSIONATE RELEASE OF
DEFENDANT THURSTON LEWIS GOODJOHN (DOC. #35) AS MOOT
GIVEN DEFENDANT IS NO LONGER INCARCERATED

Before the Court is the Motion for Compassionate Release of Defendant Thurston Lewis Goodjohn. (Doc. #35). On October 17, 2018, Defendant was sentenced to fifty-two months imprisonment after pleading guilty to one count from the Indictment. (Judgment, Doc. #19, citing Indictment, Doc. #3). On November 24, 2020, Defendant filed the Motion under 18 U.S.C. § 3582(c)(1)(A), as amended by the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act ("First Step") Act of 2018, Pub. L. 115-391, 132 Stat. 5194. While the Motion was pending, Defendant was released on October 22, 2021.¹ A case becomes moot if "the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Murphy v. Hunt*, 455 U.S. 478, 481 (1984) (citation omitted). A motion for compassionate release

¹ https://www.bop.gov/mobile/find_inmate/index.jsp#inmate_results (last accessed Jun. 28, 2024).

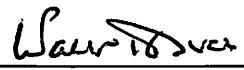
seeks relief not from the judgment *in toto*, but from the confinement imposed as part of the judgment. “When a prisoner is released from custody, the motion for compassionate release becomes moot because there is no further relief this Court can provide[,]” *United States v. Sanchez*, No. 16-cr-2077, 2021 WL 5999764, *1 (S.D. Cal. Dec. 17, 2021) (collecting cases), and there is no longer a “live” and redressable issue pending before the Court. *See, e.g., United States v. Hernandez*, 845 F. App’x 921, 921 (11th Cir. 2021) (*per curiam*) (“Completion of a prison term moots a challenge to the term of confinement.”).

As Defendant has completed his term of confinement, his Motion no longer presents a live case or controversy, and the Court is without jurisdiction to hear it. U.S. Const. art. III § 2. Accordingly, the Motion is OVERRULED AS MOOT.²

The captioned case remains terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

IT IS SO ORDERED.

June 28, 2024



WALTER H. RICE, JUDGE
UNITED STATES DISTRICT COURT

² Also, the Court, having considered the factors for granting compassionate release set forth in *United States v. Tomes*, 990 F.3d 500, 502 (6th Cir. 2021), concludes that Defendant would not have been eligible for release while he was incarcerated, as Defendant did not have a heightened risk of suffering severe complications from COVID-19; rather, he was merely at increased risk of developing diabetes, which in turn would have put him at increased risk. (Motion, Doc. #35, PAGEID 102-03).